

REMARKS

In the May 23, 2008 Office Action, claims 1-24 stand rejected in view of prior art, while claims 7-9, 11-13 and 19 were indicated as containing allowable subject matter. No other objections or rejections were made in the Office Action. Applicants wish to thank the Examiner for the indication of allowable subject matter and the thorough examination of this application.

Status of Claims and Amendments

In response to the May 23, 2008 Office Action, Applicants have amended the specification, and claims 1, 15 and 20 as indicated above. Thus, claims 1-24 are pending, with claims 1 and 20 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Interview Summary

On September 23, 2008, the undersigned conducted a telephonic interview with Examiner Duff, who is in charge of the above-identified patent application. Applicants wish to thank Examiner Duff for the opportunity to discuss the above-identified patent application during the Interview of September 23, 2008.

Basically, the undersigned argued that the so-called intake pipe 16, so-called intake passage and compression chamber of the Matsumoto patent are not at least partially radially aligned as set forth in independent claims 1 and 20. Unfortunately, agreement was not reached. Rather, Examiner Duff indicated that because the axial boundaries of the compression chamber are not clearly set forth in the claims, the Masumoto patent discloses the claimed arrangement. The undersigned disagrees.

However, Examiner Duff suggested more clearly defining the axial ends of the compression chamber relative to an orbiting (movable) member, in this case piston (25) to overcome his interpretation of the Masumoto patent. Examiner Duff indicated that such clarifications in the claims would most likely raise new issues requiring further consideration and/or search. Examiner Duff further indicated that any Amendments would only be

formally considered upon filing a formal written Amendment and response to the outstanding Office Action. Thus, Applicants are filing a Request for Continued Examination (RCE) herewith based on the discussions during the Interview.

Based on the Interview, Applicants have amended independent claims 1 and 20 to clarify that the compression mechanism including an orbiting member that extends along the rotation axis to move between a pair of opposed axially facing surfaces that define axial ends of the compression chamber such that both of the ends of the intake passage are at least partially aligned with the orbiting member and the terminal end of the intake pipe as viewed in the radial direction along the intake passage. Applicant believes such amendments more clearly define the claimed arrangement of intake pipe, intake passage and compression chamber as well as the arrangement of these parts relative to the rocking member of the compression mechanism to even more clearly distinguish the Masumoto patent.

Rejections - 35 U.S.C. § 103

In paragraphs 1-20 of the Office Action, claims 1-6, 10, 14-18 and 20-24 stand rejected under 35 U.S.C. §103(a). Claims 1-4, 10, 14-18, 20-22 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,062,834 (Masumoto) in view of U.S. Patent No. 5,720,602 (Hill et al.) and further in view of U.S. Patent No. 5,593,294 (Houghtby et al.). Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Masumoto, Hill et al. and Houghtby et al. as applied to claim 5, and further in view of U.S. Patent No. 4,055,199 (Herman). Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Masumoto, Hill et al. and Houghtby et al. as applied to claim 22, and further in view of U.S. Patent No. 5,544,896 (Draskovich). In response, Applicants have amended independent claims 1 and 20 to more clearly define the present invention over the prior art of record.

More specifically, independent claims 1 and 20 now require, *inter alia*, the compression mechanism including an orbiting member that extends along the rotation axis to move between a pair of opposed axially facing surfaces that define axial ends of the compression chamber such that both of the ends of the intake passage are at least partially aligned with the orbiting member and the terminal end of the intake pipe as viewed in the radial direction along the intake passage. These claims already required a compression

mechanism including a compression chamber configured to compress gas introduced from the intake pipe, a drive shaft movable about a rotation axis to operate the compression mechanism and an intake passage extending in a radial direction relative to the rotation axis, the intake passage having one end that opens at the compression chamber and an opposite end that opens in an outer peripheral face of the compression mechanism to face a terminal end of the intake pipe, both of the ends of the intake passage being at least partially aligned with the compression chamber and the terminal end of the intake pipe as viewed in the radial direction along the intake passage; and an elastic support member supporting the compression mechanism and the motor as an integrated unit within the sealed container for movement together with respect to the sealed container. Clearly this arrangement is *not* disclosed or suggested by the Masumoto patent, the Hill et al. patent, the Houghtby et al. patent, the Herman patent and/or the Draskovich patent, whether taken alone or in combination.

Specifically, the discharge pipe 16 and the discharge passage 4c of the Masumoto patent are axially spaced from the compression chamber now more clearly defined by the claims (i.e., axially space from the area disposed between opposed axially facing surfaces of the scrolls 1 and 2 in which the scroll 2 moves or orbits). Also, the discharge pipe 16 and the discharge passage 4c of the Masumoto patent are axially spaced from the moving scroll 2. Thus, the Masumoto patent cannot disclose or suggest an intake pipe and intake passageway at least partially radially aligned with the compression chamber and orbiting member as now claimed.

The remaining references fail to account for the deficiencies of the Matsumoto patent with respect to independent claims 1 and 20. Specifically, the Hill et al. patent, the Houghtby et al. patent, the Herman patent and the Draskovich patent all fail to disclose or suggest an arrangement of an intake passage, intake pipe, compression chamber and rocking member, as now claimed. The Herman patent and the Draskovich patent do not disclose compressors whatsoever. The Houghtby et al. patent discloses intake/outlet pipes that are both axially spaced from the compression chamber and rocking member, as now set forth in the claims. While the Hill et al. patent discloses a compressor with a suction port 52, this reference fails to disclose an intake passage, as now claimed. Accordingly, even if these references were combined as suggested in the Office Action, a hypothetical device created by the hypothetical

Appl. No. 10/562,565
Amendment dated October 22, 2008
Reply to Office Action of May 23, 2008

combination(s) set forth in the Office Action would not include all of the features of independent claims 1 and 20, as now amended.

Accordingly, based on the above amendments and arguments, withdrawal of the rejections of independent claims 1 and 20 as well as their respective dependent claims 2-6, 10, 14-18 and 21-24 is respectfully requested.

Allowable Subject Matter

In paragraph 21 of the Office Action, claims 7-9, 11-13 and 19 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In response, Applicants have not amended these claims to place them in independent form. However, these claims are believed to be allowable because claims 1 and 20 are believed to be allowable as explained above.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-24 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested. If there are any questions about this Amendment, please feel free to contact the undersigned.

Respectfully submitted,

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Dated: October 22, 2008

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